

Table 3-1 List of Comments				
Letter/ Hearing	Comment	Date	Comment Number	Comment Topic(s)
115	James Holmes	11/4/04	115-1	General
			115-2	Alternatives
			115-3	Traffic/transportation
			115-4	Traffic/transportation
116	Michael Hooper	11/4/04	116-1	Cumulative
			116-2	Alternatives
			116-3	Visual
			116-4	Visual
			116-5	Traffic/transportation
			116-6	Traffic/transportation
117	David Kunhardt	11/4/04	117-1	Economic
			117-2	Land use planning
			117-3	Land use planning
			117-4	Alternatives
			117-5	Visual
			117-6	Alternatives
			117-7	Visual
			117-8	Economic
118	Michael Marquez	11/4/04	118-1	General
			118-2	Water quality
			118-3	Water supply
			118-4	Alternatives
119	Ms. Kettunen-Zegart	11/4/04	119-1	Land use planning
			119-2	Alternatives

3.2 MASTER RESPONSES

The following section contains responses to environmental issues that were raised by multiple comments: alternatives and visual resources. Responses to individual comments on these two issues are directed to the master responses. For example, if a comment addresses the alternatives evaluated in the Draft EIR, the response would state, “Please refer to Master Response 1.”

3.2.1 MASTER RESPONSE 1 — PROJECT ALTERNATIVES

A number of comments addressed the alternatives analysis in the Draft EIR. Among the comments raised were the following:

- The Draft EIR did not evaluate a reasonable range of alternatives.
- The Draft EIR did not adequately evaluate off-site alternatives. Related topics included:
 - evaluation of building the CIC project on the grounds of another State prison outside Marin County,

- closing San Quentin State Prison (SQSP) altogether and replacing SQSP at an alternative location outside Marin County, and
- relocating condemned inmates and, potentially, SQSP’s noncondemned inmates, to an existing prison where space would be available as a result of other programs (e.g., Proposition 36) that are intended to reduce the State prison population.
- The Draft EIR should have evaluated alternatives to the prison at San Quentin, such as a mixed-use community (like the San Quentin Vision Plan proposed by Marin County).

Other issues pertaining to project alternatives were raised by individual comments. These individual responses can be found in Section 3.3 of this document.

WHAT ARE THE RELEVANT CEQA REQUIREMENTS FOR ALTERNATIVES ANALYSIS?

Before addressing the comments, it is important to understand CEQA requirements for analysis of alternatives. The State CEQA Guidelines provide extensive guidance on how alternatives analyses should be conducted in EIRs. All section references provided below are to the State CEQA Guidelines, unless stated otherwise.

Section 15126(f) requires that EIRs address alternatives to the proposed project when considering the project’s environmental impacts. Section 15126.6 provides detailed guidance on the consideration and discussion of project alternatives. Section 15126.6(a) states the following:

An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. (*Emphasis added*)

Thus, as described, an EIR is required to consider a reasonable range of potentially feasible alternatives to the proposed project, and need not consider infeasible alternatives.

Section 15126.6(f) discusses what is considered a reasonable range of alternatives and factors to consider when establishing feasibility.

The range of alternatives required in an EIR is governed by a “rule of reason” that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the project. The range of feasible alternatives shall be selected and discussed in a manner to foster meaningful public participation and informed decision making.

- (1) Feasibility. Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or

the site is already owned by the proponent). No one of these factors establishes a fixed limit on the scope of reasonable alternatives. (Emphasis added)

As described, an EIR need only evaluate alternatives to a project that are feasible (see, also, prior discussion) and could attain most of the basic objectives of the project. Regulatory limitations are a factor in determining if an alternative is feasible. Additional considerations on the feasibility of alternatives can be found in Section 15091(a)(3), which requires lead agencies, when approving a project, to reduce the significant effects of a project through adoption of mitigation measures or project alternatives, unless:

Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR (Public Resources Code Section 21081). (Emphasis added)

HOW DO THESE GUIDELINES APPLY TO THE PROPOSED CIC?

The two overarching issues in the consideration of alternatives to be addressed in the Final EIR, are: (1) whether the alternatives can attain most of the project objectives, and (2) whether the alternatives are feasible. Consistent with Section 15124, the objectives of the project have their origin in the need for the project and where the project can be located.

Section 3.2 of the Draft EIR describes in some detail why the project is needed. In summary, the current facilities at SQSP were not designed to accommodate the large numbers of inmates who have been sentenced to be condemned. Original condemned facilities were designed to accommodate 68 inmates. There are more than 600 inmates on condemned row, and that number has grown by an average of 25 persons per year and is projected to continue to do so. Condemned inmates are housed in antiquated facilities not designed to maintain the appropriate controls, separation, and security required for this violent and aggressive inmate population. Inmates housed in this type of environment are a danger and risk to correctional officers, to other inmates, and to the public. Therefore, one objective of the project is to create facilities that meet CDC's safety and security requirements for operations and emergency services to handle this current and future inmate population. If this objective is not met, the project would not move forward.

In addition, court orders, including the Thompson Decree, establish minimum conditions that must be maintained for condemned inmates at SQSP. The Thompson Decree provides that individual grades be established to classify condemned inmates based on a variety of factors (stability, violent behavior, escape attempts, etc.); that inmates are housed (some isolated from others and some not) and provided programs (canteen access, educational programs, exercise, etc.) accordingly; and that visitation is appropriately provided, also based on classification. CDC is required to comply with the Thompson Decree at SQSP, but this is one of the reasons condemned inmates are housed at various locations at SQSP. Thus, one objective of the project includes considering the Thompson Decree in the design and operation of the CIC.

With regard to the location of the proposed CIC, the California Penal Code (CPC), as stated on page 3-1 of the Draft EIR, requires that "every male person, upon whom has been imposed the judgment of death, shall be delivered to the warden of the California state prison designated by the department for the execution of the death penalty" (CPC, Section 3600). CPC Section 3603 defines the state prison by mandating that "The judgment of death shall be executed within the walls of the California State Prison at San Quentin." Taken together, CPC Sections 3600 and 3603 require all male condemned inmates to be housed at SQSP (with few, very specific exceptions; see footnote 1 on page 3-2 of the Draft EIR), and that all executions occur at SQSP. CDC has no authority to change this law.

Because State law requires all condemned inmates be housed at SQSP, the objectives of the project include placing the CIC at SQSP. In fact, because of this legal requirement, the Director of CDC, who ultimately is responsible for approving the project, cannot, under law, approve placing the CIC at any location other than SQSP.

In accordance with the State CEQA Guidelines, the only CEQA alternatives that should be considered in the EIR are alternatives that attain most of the basic objectives of the project, alternatives that house inmates in a facility that meets CDC's safety and security requirements, and alternatives that place such a facility at SQSP. Because of the explicit legal mandate, any alternative that would place the CIC at, or move condemned inmates to, a facility other than SQSP is infeasible. The Director of CDC cannot approve any such action without violating the California Penal Code. Therefore, under the CEQA Guidelines, the EIR need not examine any alternative that involves relocating condemned inmates or building the CIC at a location other than SQSP.

Comment 9-15 (Marin County) suggests that relying on current law may not be a valid basis to conclude that the project must be at SQSP, because, as the comment argues, the law can be changed. Although this is true, it would be speculative to presume such a change. Although there are instances where legislation to relocate the condemned inmate complex and move condemned inmates to another facility has been proposed in the past, it has never been passed (with one small exception allowing limited exceptional placement; see footnote 1 on page 3-2 of the Draft EIR). Condemned inmates are still required to be housed at SQSP. The most recent proposed legislation was introduced during the legislative session that ended with the legislation authorizing the proposed project, in 2003. The location of the project was debated, yet legislation was passed by both houses and signed by the Governor to fund the construction of the CIC on the grounds of SQSP.

It would, therefore, be misleading to presume that there are viable alternatives that would place the CIC and condemned inmates at any location other than SQSP, and it would be speculative to assume the Legislature, despite repeated unsuccessful proposals in the past, would now pass legislation to move the location where condemned inmates can be housed. Furthermore, one of the purposes of the alternatives analysis is to "foster meaningful public participation and informed decision making" and to provide a basis for the decision maker to understand the environmental consequences of feasible choices (State CEQA Guidelines Section 15126.6[f]). For an environmental analysis to assume that the proposed project would be feasible at another location would not accomplish this informational goal of comparing a reasonable and feasible range of options. Further, relocation of SQSP would not avoid any of the project's impacts. The purpose of an EIR is to inform decision makers and the public on the reasonably foreseeable impacts of a project and its feasible mitigation measures and alternatives. This EIR would be remiss if it took that stance that locating the project at any location other than SQSP was feasible or reasonable within current law.

WAS A REASONABLE RANGE OF ALTERNATIVES TO THE PROJECT CONSIDERED IN THE DRAFT EIR?

What constitutes a reasonable range of alternatives must be viewed within the context of the project objectives. In this case, the project objectives are to build a safe and secure CIC and to do so at SQSP as required by law. Although some comments have stated that these objectives are too narrow, Section 15124(b) of the State CEQA Guidelines states that "(T)he statement of objectives should include the underlying purpose of the project." The comments have not provided any specific rationale as to why the objectives included in the Draft EIR are too narrow. Therefore, no additional response to this issue can be provided.

Several comments suggest that the Draft EIR should further examine the alternative of allowing the San Quentin Vision Plan to move forward on the project site and other parts of SQSP, an alternative discussed in Section 7.5 of the Draft EIR. Section 15126.6 of the State CEQA Guidelines requires that an EIR:

“include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project. ...If an alternative would cause one or more significant effects in addition to those that would be caused by the project as proposed, the significant effects of the project shall be discussed, but *in less detail*” (Emphasis added).

Although not required by CEQA, CDC nonetheless evaluated the San Quentin Vision Plan as an alternative to the project consistent with the requirements of CEQA for alternatives evaluation. The overarching concept expressed by Marin County in the Vision Plan is expressed in the Vision statement found on page 7 of the *San Quentin Vision Plan* (September 2003):

Imagine a vibrant, compact waterfront village comprised of colorful, mixed-income neighborhoods, distinctive pocket parks, quality educational facilities, spacious playing fields, abundant water-oriented recreation, and narrow, tree-lined streets. It is a place that also features a lively district of shops, restaurants, and local services nestled around a magnificent transit plaza where ferries, trains, buses, and multi-use pathways all converge.

Along the shoreline, a broad, public promenade provides access to the bay and links thoughtfully preserved historic prison structures and nearby homes with award-winning cultural facilities and quiet viewing areas. These are all carefully sited to enjoy the surrounding splendor of open ridgelines and ribbons of riparian vegetation that cascade down the hillsides to a flourishing estuary at the restored mouth of Corte Madera Creek.

Several objectives unrelated to the CIC follow this statement and support the concept of the development expressed above. For the Vision Plan to be an alternative to the CIC, in accordance with CEQA, the objectives of the project would need to be attained. It is clear that the Vision Plan would not attain project objectives, and furthermore, that the objectives in the Vision Plan fall outside the scope of what the CDC has authority to do at the site. What this comment suggests is that the CDC alter its objectives and construct an entirely different project that is preferable to the commenter. CDC has both the discretion and responsibility to design a project that carries out its mandate to house condemned inmates in a facility that meets necessary safety and security requirements. An alternative that would not achieve the basic objectives of housing condemned inmates, would not merely “impede to some degree the attainment of the project objectives” (CEQA Guidelines, section 15126.6 [b]); it would defeat them.

The Draft EIR considered the No Project Alternative, as required by 15126.6(e), and considered on-site alternatives (a stacked design and a single-level design) aimed at reducing or avoiding project impacts. Rehabilitation of existing facilities to house condemned inmates was considered but rejected as infeasible (see discussion on page 7-4 of the Draft EIR). Alternatives that would avoid the removal of Dairy Hill, which would have visually screened the project, would not be feasible because the size of facilities needed to serve the current and future population of condemned inmates is too large to place on the site without removing the hill (see discussion on page 7-4 of the Draft EIR). Demolition of existing facilities at SQSP and placement of the CIC at the location of those facilities was considered, but such an alternative would result in other impacts, such as demolition of a number of buildings likely to be eligible for consideration as historic resources, moving visual impacts from one location to another, and so on (see discussion on page 7-5 of the Draft EIR). It would appear, then, that CDC evaluated a reasonable range of alternatives to the proposed project consistent with the requirements of CEQA, and additional reasonable alternatives are unknown and have not been suggested by any comments.

In addition to these alternatives, the Draft EIR did evaluate alternatives that would not attain the basic project objectives and would not be feasible to implement. These alternatives were considered in the Draft EIR, even though they are not required by CEQA, in response to scoping comment requests to examine them. CDC conducted the analysis because of the expressed interest in the alternatives, but these

alternatives are not needed for the EIR to be in compliance with CEQA. The Draft EIR evaluated placing the CIC at an off-site location, which in itself will not comply with State law requiring housing condemned inmates at SQSP. The EIR evaluated an alternative that would close SQSP and relocate it, along with the CIC, to another location, and would also include building a mixed-use (residential, office, commercial), “transit-oriented” project at the SQSP site. This alternative would be consistent with the concepts expressed in the Marin County San Quentin Vision Plan. Because it would involve moving condemned inmates to another location, it would not attain project objectives.

SHOULD THE EIR ANALYSIS OF ALTERNATIVES BE EXPANDED OR REVISED?

As described above, a reasonable range of alternatives to the proposed project have been evaluated in the Draft EIR. No new alternatives to the project that would attain the basic project objectives have been proposed in any comments. Please see Section 3.3 of this document for a response to individual comments that raise potential additional alternatives.

3.2.2 MASTER RESPONSE 2 — VISUAL RESOURCE IMPACTS

A number of comments were raised on the visual analysis of the Draft EIR. The comments included the following subjects:

- The Draft EIR does not analyze certain public and private viewpoints (e.g., freeways, hillside areas, and local communities).
- The Draft EIR does not identify alternative ways of retaining Dairy Hill on-site.
- The Draft EIR does not provide sufficient measures to mitigate the aesthetic impacts of proposed new structures.
- The Draft EIR should include additional measures to reduce project impacts to nighttime views.

Other issues pertaining to views or the design of the project were raised by individual comments. Individual responses can be found in Section 3.3.

VISUAL ANALYSIS PROVIDED IN THE DRAFT EIR

The Draft EIR evaluated the visual changes that would occur at the project site considering existing scenic resources (e.g., scenic highways, trees, rock outcroppings) and the potential visibility of the site from surrounding areas and major viewsheds. The Draft EIR acknowledges (page 4.1-2) that the project site would be visible from several public and private locations. However, as stated in the Draft EIR, the analysis considers representative views of the site.

Five representative viewpoints were selected for analysis. Views were considered from both proximate and distant viewpoints. These viewpoints were selected because they would best represent the viewshed changes that could be expected with implementation of the project. There are infinite points from where viewshed impacts could be considered, and it is obviously not feasible to consider the individual views available to each person. The site is visually prominent, so viewpoints that clearly represent the prominence were considered (e.g., a view from a ferry passing next to the site was included). The site is visible from more distant points, so a more distant viewpoint, the Corte Madera Marsh, was included. Each viewpoint represented an unobstructed view of the site from locations where the visual changes would be most noticeable. For each of these representative viewpoints, photographic simulations (day and nighttime) of the project (single-level and stacked) were prepared to provide a visual representation of how the project would change the visual landscape of the project site and surrounding area. These photographic simulations are presented in Exhibits 4.1-1 through 4.1-10c in the Draft EIR.

The visual simulations provide “before” and “after” visual representations of the project site. Using the simulations, the Draft EIR evaluated the existing visual properties of the project site based on how the project would change foreground, middleground, and background views of the site and surrounding vicinity, how the project would affect views of ridgeline or open water areas, and how the project would affect views of existing facilities at SQSP. In addition, a discussion of how the visual character of the proposed buildings would blend with existing on-site buildings was also provided. This methodology was applied to all photosimulations of each viewpoint and presented in Section 4.1, “Visual Resources,” of the Draft EIR.

Although some people’s views of the site would not exactly mirror the representative viewpoints, the photosimulations of the representative viewpoints would generally provide a worst-case evaluation of the visual changes at the site. It is based on these visual changes that the project’s impacts were determined, and for impacts determined to be significant, mitigation recommended.

Several comments expressed concerns regarding changed views from individual viewpoints or other publicly available viewpoints of the site (e.g., Greenbrae community, hillside areas, U.S. 101). The viewpoints selected for the Draft EIR analysis would provide a reasonable representation of how views would be expected to change from these individual locations. Therefore, analysis or simulation of visual changes from additional viewpoints was not necessary to provide an understanding of the visual impacts of the project.

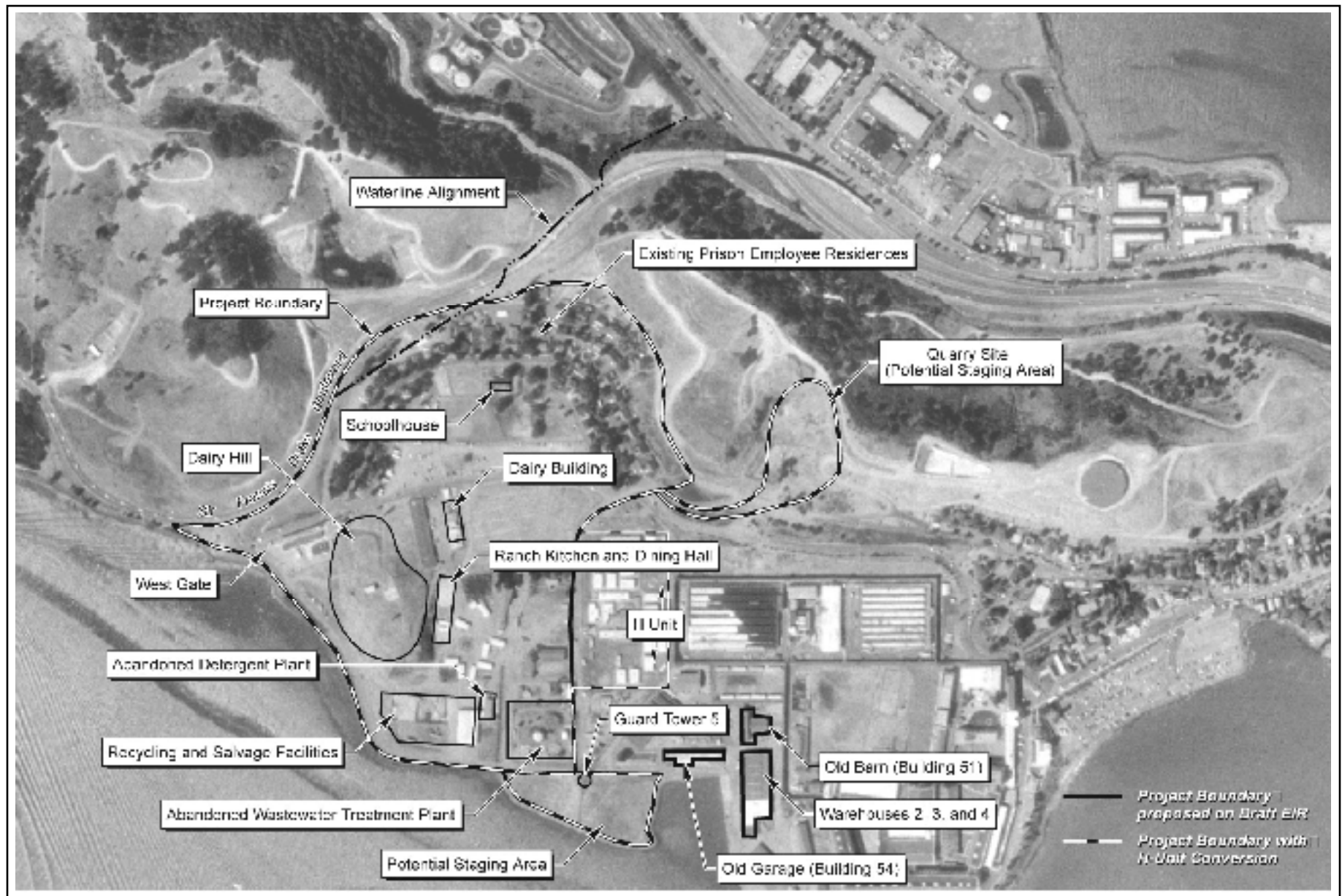
Nevertheless, individual viewpoints raised in comments were visited, and photographs of the site were taken from these locations. A nearly identical camera focal length, such as that used for photographs in the Draft EIR, was used to photograph the site from these additional viewpoints. Exhibit 1 depicts the locations of these viewpoints.

Greenbrae Community

Several comments expressed concern that views of the project site from the Greenbrae Boardwalk community were not considered in the Draft EIR. The Greenbrae Boardwalk community is located east of the project site, just south of the Larkspur Ferry Terminal. Greenbrae Boardwalk is a community of pile-supported houses situated along a long boardwalk that extends from the shoreline of San Francisco Bay west toward SQSP. Representative photographs of the project site from the Greenbrae Boardwalk were taken on January 13, 2005. Photo A represents the existing views of the project site from the easternmost house along the Greenbrae Boardwalk. This viewpoint location would provide the closest, most unobstructed view of the project site.



Photo A: View looking east toward SQSP from Greenbrae Boardwalk.



Source: Kitchell 2003; Data compiled by EDAW in 2004

Buildings and Features on and Adjacent to the Project Site

EXHIBIT 1



Photo B: Existing View from Larkspur Ferry Terminal (similar to Photo 4.1-4a in the Draft EIR, which was simulated).

Photo B represents the existing view from Larkspur Ferry Terminal. This photo viewpoint was used in the visual photosimulation analysis presented in the Draft EIR.

Views of the project site from the Greenbrae Boardwalk community would be substantially similar in scale to views of the project site from the Larkspur Ferry Terminal presented in Exhibits 4.1-4a through 4.1-5c. The distance to the site from the ferry terminal and Greenbrae Boardwalk are similar, but the view angle is different. From Greenbrae the view would be more direct, mimicking the angle seen from the ferry boat (see Draft EIR photos in Exhibits 4.1-6a through 4.1-6c). In general, when looking from the Greenbrae Boardwalk (Photo A) the project site is located in the middle-ground to background view. Dairy Hill is visible in the center of the photograph; with the existing SQSP buildings are visible to the right of Dairy Hill. Greenbrae Boardwalk is south of the Larkspur Ferry Terminal and would afford views of more existing SQSP buildings because Dairy Hill does not provide a direct obstruction to existing SQSP buildings from this viewpoint.

The magnitude of the visual changes that would be anticipated from the Greenbrae Boardwalk viewpoint would be between the view changes described for the Larkspur Ferry Terminal viewpoint and the ferry boat viewpoint. As described in the Draft EIR (page 4.1-9), under the single-level design option, CDC would construct buildings that are smaller and have less mass than existing buildings on the site. Dairy Hill would be removed, which would expose more of the existing buildings (although from the Greenbrae viewpoint the project is likely to result in less exposure because more of the existing buildings are already visible from this viewpoint). Because the view of the CIC would be more direct and provide a broader view of SQSP from Greenbrae Boardwalk than from the terminal, the visual changes would be more prominent in the daytime. Similar to the ferry boat viewshed, the impact would be significant. Under the stacked design option, CDC would construct relatively tall buildings along the shoreline, which would add a new dominant feature to the overall viewshed, would block existing views of the architecturally distinct SQSP, and would not have the visual character of the old SQSP buildings. Therefore, the Draft EIR concluded that visual changes would be significant.

Although the specific viewshed from Greenbrae Boardwalk was not considered in the Draft EIR, sufficient information was included in the EIR to discern the similarities of this viewshed to others, and that the same significant impacts as described in the Draft EIR would occur.

173 Summit Drive

One comment expressed concern that the Draft EIR did not consider the project's visual changes from the home located at 173 Summit Drive, Corte Madera, California (see Exhibit 1). This location is in the Corte Madera hills, southwest of the project site, and west of the Corte Madera Ecological Preserve. The occupant of the residence was not home and the site was not visible from locations outside the house. Thus, photographs of the project site near 173 Summit Drive (actual location was 153 Summit Drive) were taken on January 13, 2005. Photo C represents the existing views of the project site from the driveway of 153 Summit Drive. This is the same view afforded from 173 Summit Drive.



Photo C: View looking northeast toward SQSP from 153 Summit Drive.

Views of the project site from this location are similar to (but substantially more distant from) views from the Corte Madera Ecological Preserve presented in Exhibits 4.1-2a through 4.1-3c in the Draft EIR. In general, SQSP is located in the background and appears as a peninsular extension from the shoreline. The project site is subordinate in the visual landscape, which is broad. Implementation of the project would not change the form, line, or focal point within this viewshed, and the project would not alter or obstruct views of existing ridgeline or shoreline areas. Furthermore, lighting associated with the existing prison is part of and does not dominate the nighttime viewshed. Development of the project site with the CIC would not substantially alter the viewshed from this location, and impacts would be less than significant.

Monahan Pacific Development Project

One comment expressed concern that the Draft EIR did not consider the project's visual changes from the Monahan Pacific residential project, under construction ¼ mile west of the project site along Sir Francis Drake Boulevard. This site is located within the hillside areas north of Sir Francis Drake Boulevard (see Exhibit 1). Photographs of the project site from this location were taken on January 13, 2005. Photo D

represents the existing views of the project site from the highest, easternmost parcel of the development property, from where the project site would be most visible.



Photo D: View looking east toward SQSP from Monahan Pacific Development Property.

Only minimal views of the project site from this property are available because of the presence of intervening topography. The project site is located in the background. Only a small area of the shoreline and perimeter roadway on the edge of the CIC site is visible. No other views of the project site are available. With implementation of the project, only portions of the perimeter roadway and fencing would be visible; however, the project would not change the focal point of this viewpoint and would not substantially alter the viewshed. Nighttime lighting would also be mostly or entirely obstructed by the topography. Because the visual change would not be substantial, no significant visual impacts would occur.

U.S. 101

Several comments expressed concern that the Draft EIR did not consider the project's visual changes from U.S. 101. U.S. 101 is located approximately ½ mile east of the project site and runs in a north–south direction. Elevated portions of U.S. 101 provide intermittent, short-term views of the project site. Representative photographs of the project site from U.S. 101 were taken on January 13, 2005. Photo E represents the existing views of the project site from an elevated portion of U.S. 101 east of the project site (see Exhibit 1).

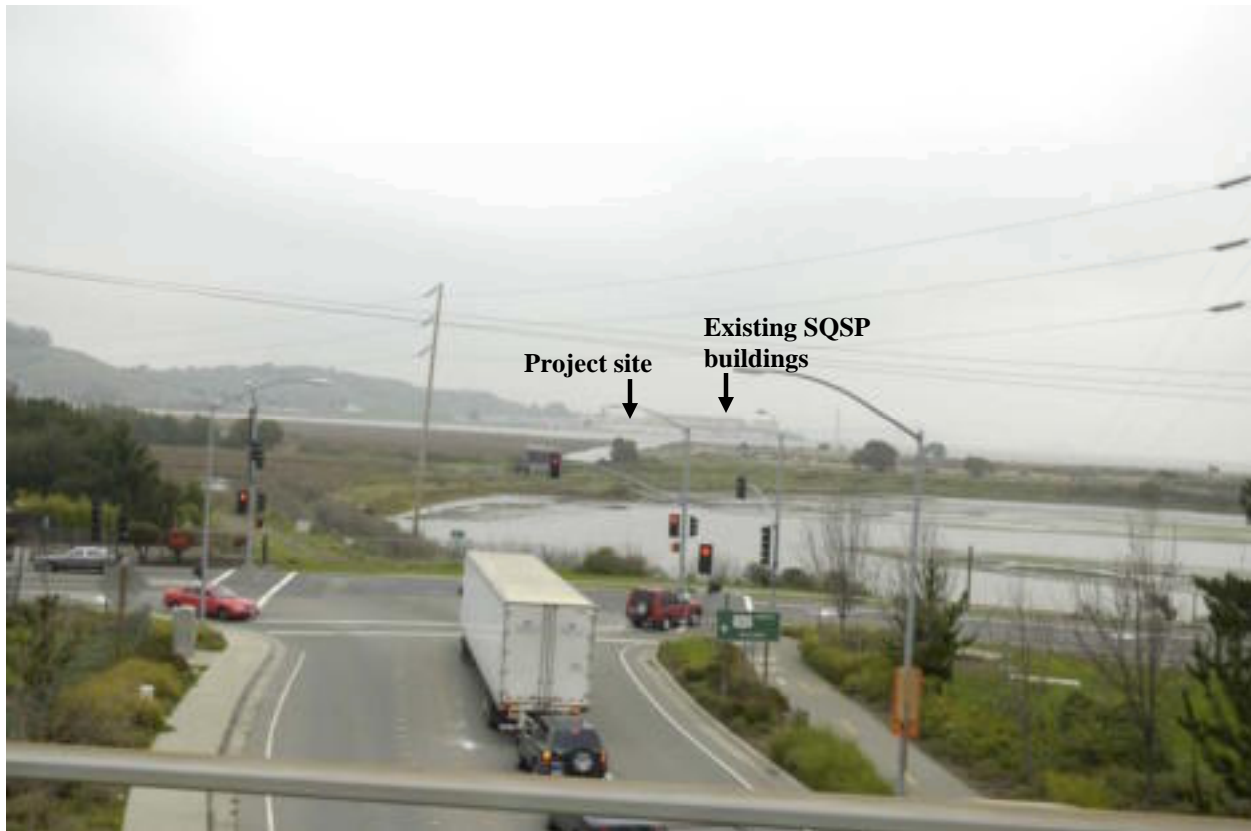


Photo E: View looking east from elevated portion of U.S. 101.

Views of the project site from this location are similar to views from the Corte Madera Ecological Preserve presented in Exhibits 4.1-2a through 4.1-3c in the Draft EIR. In general, SQSP is located in the background and appears as a peninsular extension from the shoreline. Views of local roadways are visible in the foreground with views of the Corte Madera Ecological Preserve in the middleground. The project site does not dominate the visual landscape; the viewscape from this location is broad. Implementation of the project would not change the form, line, or focal point within this viewshed, and the project would not alter or obstruct views of existing ridgeline or shoreline areas. Furthermore, views from this location would be brief and intermittent because of the high speeds at which vehicles travel along U.S. 101 and the presence of vegetation along the highway that would block views of the site. For all those reasons, visual impacts would be less than significant.

Dairy Hill: Can it be Retained?

Several comments were concerned that the Draft EIR did not consider development options that would allow Dairy Hill to be retained on-site. During the preliminary design phase for the project, CDC attempted to come up with site design options that would wholly or partially retain Dairy Hill. The SQSP site is constrained. Existing buildings, particularly the old cell blocks, are heavily used for inmate housing and are likely historic structures. The only area of the SQSP site that is feasible for construction of the CIC is the project site because it is relatively undeveloped, would minimize the number of potential historic structures that would be demolished, and would provide enough space to accommodate required facilities and programs. Dairy Hill is a substantial portion of the project site (see Exhibit 3-4 of the Draft EIR) and substantially limits the available area for proposed buildings. In fact, even under the stacked design option, there is not enough space for the proposed buildings if Dairy Hill is retained.

Even under the H-Unit proposal (which would remove the need to construct a new warehouse and support services and maintenance space) described in Section 1.5, Dairy Hill cannot be retained. The H-Unit proposal would not result in the elimination of any proposed buildings within the secure perimeter of the CIC. The functions for H-Unit were previously proposed for construction near the docks area of the main SQSP facilities, immediately outside the secure CIC perimeter.

Another design option that was considered by CDC was the construction of a large, multistory (i.e., three to four stories) tower structure. Although this structure could conceivably fit within the existing footprint of the project site and might allow Dairy Hill to be retained, it would result in other, greater, visual impacts because of its substantial massing and height. This building would be taller than Dairy Hill and would block views of the existing SQSP buildings. Although every design option would result in environmental tradeoffs, CDC proceeded with the design of the single-story and stacked design options because these designs would minimize the visual impacts of the proposed buildings in comparison to a multistory building. But, the resulting effect is that Dairy Hill would need to be removed to accommodate project facilities at the site.

Mitigation of Proposed Building Design

Several comments expressed concerns regarding the mitigation recommended for the project's visual impacts, specifically the lack of visual screening and the lack of architectural enhancements to reduce visual impacts. Following the close of the public comment period, CDC met with representatives of Greenbrae Boardwalk, the residential neighborhood with the most direct visual access to the site, to discuss their comments, concerns, and recommendations. In general, comments expressed concern with the large structures lacking architectural detail, lack of vegetation or screening at the project site, and nighttime lighting.

The design, siting, and architectural detail of correctional facilities are prescribed by CDC's established design protocols for such facilities. The design protocols provide, within cost limitations, necessary programming and space requirements for the inmates, while maintaining safety and security protocols for correctional officers, inmates, and the public. The size, construction materials, and minimization of architectural detail of modern-day correctional institutions are functions of requirements needed to provide a safe and secure facility, mitigate other impacts, and control construction cost. For example, the outer perimeters of correctional institutions are largely devoid of vegetation such that all ground areas are easily visible. Furthermore, an electrified security fence is proposed around the facility. Vegetation in proximity of electrified fences attracts wildlife, increasing the potential for accidental electrocution of animals coming in contact with the fence. Tier 1 mitigation required by USFWS (page 4.3-13 of the Draft EIR) requires removal of vegetation around electrified fences to reduce electrocution hazards, so ornamental landscaping is highly restricted. The design of prison buildings is intended to minimize escape potential, thus maximizing public safety. Buildings that provide architectural detail (i.e., cornices, pilasters, etc.) increase the potential number of hiding areas for inmates and decrease the security of the facility and the public.

The Draft EIR acknowledges that from some viewpoints, the proposed visual changes would be substantial and would result in a significant impact. Mitigation recommended in the Draft EIR would require CDC to minimize the visual prominence of the project buildings through use of paint and design elements, to the degree feasible, that reflect the character of the existing SQSP. As shown in Exhibit 3, CDC has proposed several design features to the project. These features have been proposed in response to BCDC comments and other public comments on the Draft EIR. In addition, CDC will continue to consult with the San Francisco Bay Conservation and Development Commission (BCDC) on project design and incorporate recommendations to the degree they are feasible. The term "feasible" is important here because CDC cannot commit to blanket changes to the design without thoroughly investigating security and cost issues, and thus the impact remains significant and unavoidable following mitigation.

The Draft EIR provided visual simulations (Exhibit 4.1-11 and 4.1-12) of two mitigation options that include use of paint and other design elements to enhance the visual appearance of the buildings while maintaining adequate security at the facility. Although screening measures, such as vegetation or other fencing or walls, are not a feasible option, CDC is continuing to refine the design options to ultimately improve site aesthetics. CDC is currently developing options for the exterior of the inmate housing units based on a variety of security, aesthetics, and operational considerations. Plans would include approximately 15% glazing in combination with approximately 85% metal cladding and/or stucco-type finish (Exhibit 2). Outside paint colors would vary and would compliment the surrounding environment. The final selection of building products and materials would consider aesthetics, durability against the harsh marine environment, long-term maintenance, and costs. The size, quantity, and location of exterior windows would be determined based on the amount of natural light that enters into the inmate cells, security considerations, and thermal impacts to the building's heating, ventilation, and air conditioning systems. Exhibit 2 presents a rendering of the design of CDC's standard housing unit. Exhibit 3 depicts additional design elements that CDC is considering for the project. CDC is determining the cost of these enhancements and is evaluating their effect on site security.

Some comments have also expressed a desire to shift the proposed buildings (under the stacked design option) 500 feet to the north. This would result in the need to demolish the existing employee housing, which is eligible for listing on the California Register for Historic Resources. The stacked design option presented in the Draft EIR was developed to specifically avoid demolition of the on-site employee housing because CDC considers this housing an important resource to SQSP and recruiting benefit for new staff. Although this design option would reduce the visual prominence of buildings along the shoreline, it would result in other environmental tradeoffs (greater historic structure impacts [for the stacked design option] and more prominent buildings along Sir Francis Drake Boulevard) compared to the design options evaluated in the Draft EIR.

In consideration of the project, the director of CDC will weigh the pros and cons of the single-story and stacked design options as well as design recommendations brought forward by the community before making a decision. If adopted, these design measures would substantially reduce the significance of the visual impact; nevertheless, because the visual changes would remain substantial and adverse, the impact would be significant and unavoidable.

Nighttime Lighting

Several comments expressed concern regarding the level of nighttime lighting impacts described in the Draft EIR and the mitigation recommended for these impacts.

In general, comments were concerned with the changed level of illumination at the project site and suggested that other mitigation measures, such as motion sensors or visual screening of the site, be provided to minimize the project's lighting impacts. As discussed on page 4.1-18 of the Draft EIR, CDC already uses state-of-the-art lighting in all its new facilities. This lighting is designed to cast light only where needed, and to cut glare to off-site areas. This lighting was simulated in the photosimulations presented in Section 4.1, "Visual Resources," of the Draft EIR, and the project's impacts were determined based on this lighting being installed at the site. Because of safety and security concerns associated with correctional facilities and minimum lighting standards for yard and open areas at prisons, there are no other known measures that CDC can implement that would provide sufficient lighting to maintain security needs. As a result, the Draft EIR concluded that the project's nighttime lighting impacts would be significant and unavoidable from some viewpoints.

Visual screening of the site (i.e., vegetation around the perimeter) would not be feasible because of security concerns, as described above. The use of lighting activated by motion sensors would not be



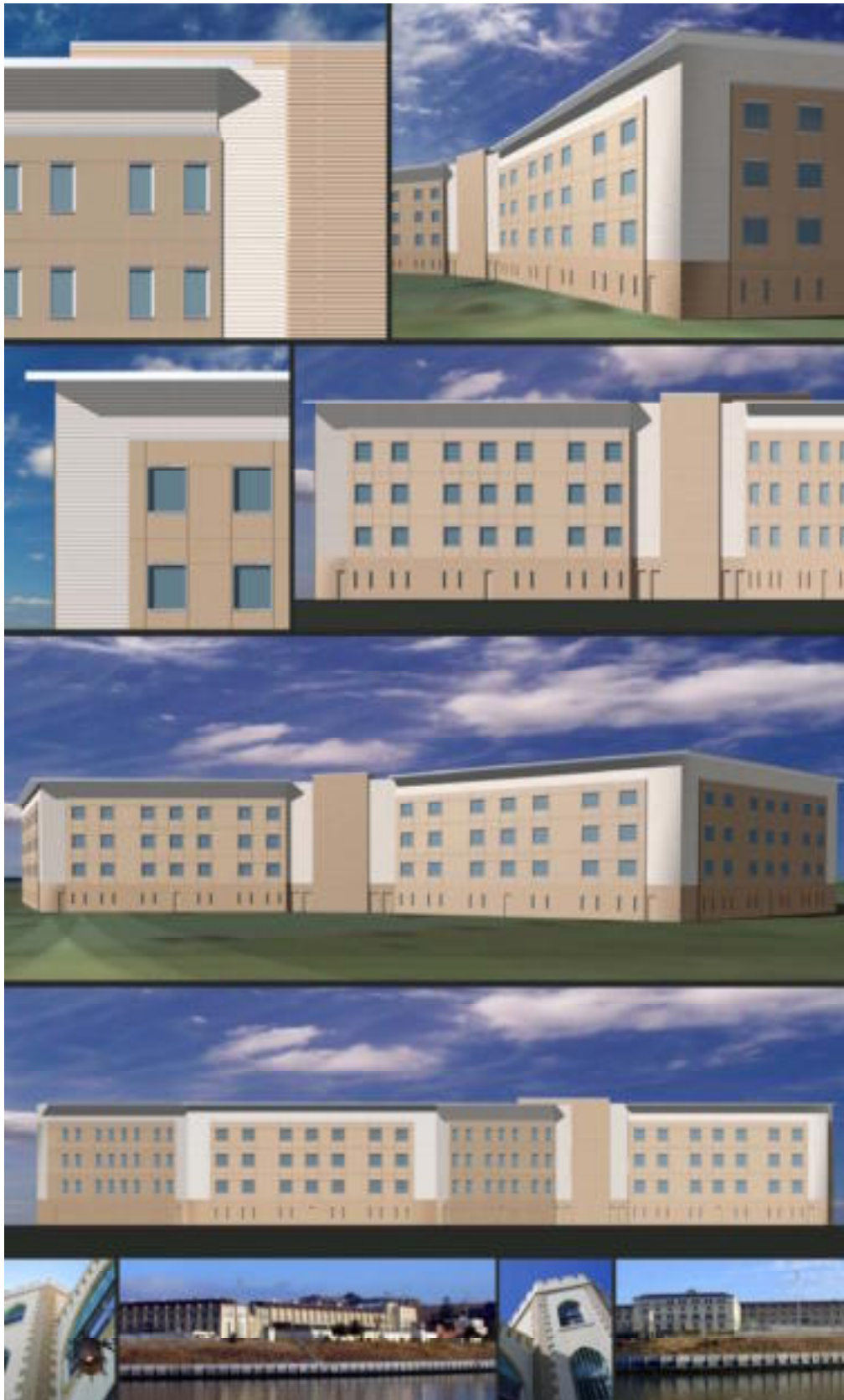
Source: HOK 2005

Standard Housing Unit Design (Concrete)

San Quentin State Prison Condemned Inmate Complex Project FEIR
P 3T053.01 04/05

EXHIBIT 2

EDAW



Source: Data compiled by EDAW in 2005

Exterior Design Elements for the Proposed CIC under Consideration by CDC

EXHIBIT 3

San Quentin State Prison Condemned Inmate Complex Project Final EIR
P 3T053.01 03/05



feasible because their reliability in detecting movement in large areas is not proven, and their use would result in much of the site being dark, which would not meet security standards. It is unlikely motion sensors would result in a net reduction in the time the site is illuminated during nighttime hours because of the regular and frequent patrols and activities that must occur at the site. Finally, CDC is concerned that motion detectors would cause alarm in the community, with residents being concerned that an escape or other serious incident is taking place every time the lights come on. Although the lights cause an ongoing nighttime impact, illumination of the site is a deterrent against escape attempts and is necessary to meet minimum security requirements.

3.2.3 MASTER RESPONSE 3 — STAFFING/CONVERSION OF H-UNIT

Several comments were raised concerning the number of employees at SQSP, particularly under maximum capacity conditions. This response addresses the following issues:

- What is the correct staffing level at SQSP with the proposed project under maximum capacity conditions?
- How does the renovation and conversion of H-Unit (See Section 1.5 of this document) change the staffing levels at maximum capacity?
- Do these changes result in any differences in the environmental impacts of the proposed project?

CORRECT STAFFING LEVELS

As stated on page 3-19 of the Draft EIR, the CIC would employ 576 people at design capacity and 648 people at maximum capacity. As stated on page 3-12, there are currently 1,612 employees at SQSP and 5,763 inmates (at the time the NOP was released). As described on page 3-11, the existing inmate population includes condemned, reception center, medium and low security, and minimum security inmates. As currently contemplated, the 600+ condemned inmates would be moved to the CIC, and the cells would be backfilled with inmates from one of the other security classifications listed above.

Comments were raised regarding the staffing at SQSP under maximum capacity conditions. This section is intended to clarify the discussion of inmate population numbers in the Draft EIR, and to further explain how CDC would use its staff for SQSP in the event it ever needed to have inmates at maximum capacity.

The Draft EIR used a figure of 7,380 beds for describing the maximum capacity of SQSP, including the proposed CIC. Under current conditions at SQSP, without the proposed CIC, the maximum capacity is 6,200 inmates. If the CIC is constructed, the minimum security “Ranch” would be removed, eliminating 250 beds. Thus, the 7,380 inmate total is calculated as follows:

Maximum Capacity for Proposed CIC:	1,408 inmates
Maximum Capacity at existing SQSP:	6,200 inmates
(Less Ranch beds):	<u>(250) inmates</u>
Total Beds	7,358 inmates

The 7,380-inmate total used to represent maximum inmate totals is an approximate number; 7,358 (22 inmates less) is the precise level of maximum inmates that could be housed at SQSP and the proposed CIC. Total inmates at CIC under the proposed project would be 1,408. Under maximum capacity, total inmates at SQSP (not including the CIC) would be 5,950 (6,200–250).

This is an increase of 187 inmates (5,950 – 5,763) over the levels reported as existing inmate population in the Draft EIR. The Draft EIR stated that there would be no need to increase staff levels to support this increase in inmates at SQSP. Technically, this is a correct statement; however, to fully understand the basis of the environmental analysis, additional explanation is warranted. This level of inmate population at SQSP would only occur in unusual situations, and for a short period. CDC has twice approached this level of overcrowding at SQSP, once in the early 1930s and once in the late 1980s for a short time. Since that time, the highest inmate count at SQSP has been 5,950 (in January 1998), and the population dropped to 5,800 in less than 2 months. If the Ranch were removed (250 inmates), as will be the case with the proposed project, the equivalent highest inmate population since 1990 at SQSP would have been 5,700 inmates.¹

CDC typically responds to population fluctuations by staffing with the same employees, but using overtime to compensate for the additional staffing needs. Population can, and does, fluctuate substantially from month to month, and it is not practical for CDC to recruit and hire new staff for a fluctuating condition. Thus, the same 1,612 employees would work at the site, only some would need to work overtime to cover additional shifts. From the standpoint of CEQA, this would result in more people working in 1 day than assumed in the EIR. However, most additional shifts would be covered by employees on-site, so there would be little to no additional traffic on the roadways.

CDC has recalculated the equivalent positions needed to cover the additional inmates at maximum capacity levels. An “ideal” staffing ratio was developed based on overcrowding SQSP (without the Ranch) to 5,950 inmates. At this inmate level, an equivalent of 1,709 staff would be employed at SQSP.² This is 97 more employees at SQSP than considered in the Draft EIR, or an increase of 6%. As described above, total employment would not increase by 6%; rather, overtime worked by existing staff would cover this 6% deficit. If it was assumed that this overcrowding was accommodated with new staff, the total number of staff commuting to the site would be 6% higher than calculated in the Draft EIR. The 97 additional employee shifts is also 4% more than the total employment assumed with the CIC and existing SQSP together (2,260 employees plus the 97 staff addition).

For reasons described below, this issue has been made moot by the change in the project described in Section 1.5 of this document.

H-UNIT CONVERSION AND STAFFING IMPLICATIONS

As described in Section 1.5, H-Unit can currently house up to 1,000 inmates. The renovation and conversion of H-Unit from a dormitory to a warehouse and support service space would reduce the inmate capacity of H-Unit to 200, a reduction of 800 inmates.

¹ This population level (5,700 inmates) could be considered a reasonable basis for consideration of foreseeable overcrowding, given that this total population (not including the Ranch) has not been exceeded at SQSP in over 15 years, the same timeframe in which a number of new prisons have been built throughout the State. At this population level, no new staff would be needed. However, because the Draft EIR considered it was possible to place up to 5,950 inmates in existing SQSP (6,200 – 250 associated with the Ranch), it is used here for maximum feasible population conditions analysis.

² CDC staffing “package” of 1,809 staff was based on formulas, staff type, the facility design, etc. CDC prisons at times operate at less than the full staffing package as a result of turnover, required financial savings. SQSP typically operates at 100 to 200 staff below the staffing package. For instance, 1,612 staff were employed at SQSP at the time the NOP was released. The staffing package included 1,733 positions. For purposes of the analysis, a reduction of 100 is used to determine the actual potential staff employed at SQSP.

The total number of inmates at maximum capacity would also be reduced by 800 below what was reported in the Draft EIR. The total number of inmates at existing SQSP would be reduced to 5,150 at maximum capacity, and the total maximum number of inmates at SQSP, including the CIC (1,408 inmates), would be 6,558, as shown below:

Table Master Response 3-1 Maximum Inmate Levels with Conversion of H-Unit	
Condition Description	Inmate Totals
Maximum capacity, SQSP under current conditions	6,200
Maximum capacity, proposed CIC	1,408
Removal of Ranch resulting from CIC	(250)
Conversion of H-Unit resulting from CIC	(800)
Total inmates, maximum capacity	6,558

CDC calculated the staffing at SQSP based on this revised maximum capacity, with conversion of the H-Unit. The removal of 800 inmates would reduce staff needs by 159. Thus, staffing at maximum capacity would be as follows:

Table Master Response 3-2 Maximum Staffing Levels with Conversion of H-Unit	
Condition Description	Staffing Totals
Maximum staff at SQSP (Ranch removed)	1,709
Conversion of H-Unit resulting from CIC	(159)
Total maximum staff at SQSP	1,550
Maximum staff at proposed CIC	648
Total staff, maximum capacity	2,198

The expected employment at existing SQSP, under maximum overcrowding, would be 1,550, or 62 less than current staffing and 62 less than assumed in the Draft EIR. Total staffing at SQSP, 2,198, is also 62 employees less than the 2,260 (648 at CIC, 1,612 at SQSP) assumed in the Draft EIR. This represents 4% fewer staff at existing SQSP than assumed in the Draft EIR, and 3% fewer than total (SQSP plus CIC) 2,260 employment assumed in the Draft EIR.

ENVIRONMENTAL IMPACT CHANGES RESULTING FROM CONVERSION OF H-UNIT

The conversion of the H-Unit would reduce staffing, compared to the analysis in the Draft EIR, by 3% overall, assuming maximum overcrowding (see discussion above). The total number of inmates would also be reduced, but by a larger number. Inmates at existing SQSP, under maximum capacity conditions, would be reduced from 5,950 to 5,150, a 14% reduction in inmates, compared to the totals assumed in the Draft EIR. Total inmates at SQSP, including the CIC, would be 6,558, an 11% reduction versus what was used to determine impacts in the Draft EIR.

Furthermore, and most importantly for the impact analysis, the number of additional inmates and staff above the existing conditions used in the Draft EIR, has been reduced, as shown in the table below.

Table Master Response 3-3		
Incremental Difference in Staffing and Inmates: Draft EIR and With Conversion of H-Unit		
Comparison of Staffing Levels	Inmates	Staffing
Existing Conditions	5,763	1,612
Draft EIR totals	7,358	2,260 ³
Draft EIR: incremental increase	1,595	648
Revised totals based on project design modifications	6,558	2,198 ⁴
Revised incremental increase	795	586

Thus, the incremental increase in inmates between existing conditions at maximum overcrowding conditions was determined to be 1,595 inmates in the Draft EIR. Conversion of the H-Unit lessens the number of additional inmates to 795, or 50% of what the Draft EIR assumed. The increase in employees was determined to be 648 in the Draft EIR. The increase in employees is also reduced, to 586, or 10% less than assumed in the Draft EIR.

All of the environmental impacts of the project that are based on inmate and employment totals would be less than calculated in the Draft EIR. Because impacts that are based on staffing and inmate totals would now be based on fewer new inmates and fewer new staff than analyzed in the Draft EIR, the relevant environmental impacts would also be less than analyzed in the Draft EIR. For instance, as described later in response to comment 8-1, the Draft EIR calculated new water demands to be 227 acre-feet per year (AFY). Based on the revised staffing and inmate numbers, the project would now generate a new demand for 140 AFY of water. The impact to water would remain significant, but the impact would be less than reported in the Draft EIR. See response to comment 8-1 for the calculations of this impact. Similarly, impacts would be less than the Draft EIR for the following issue areas:

- Air quality (operations traffic related)
- Noise (operations traffic related)
- Employment, Population, and Housing (operations)
- Public Services and Utilities (schools, wastewater treatment and disposal, water supply, solid waste generation)
- Transportation (operations)

Additionally, as described in Section 1.5, the conversion of H-Unit buildings would eliminate construction of 27,000 square feet of warehouse, 8,040 square feet of support services, and 8,060 square feet of maintenance space originally planned for the CIC. The changes in the construction plans would be relatively minor insofar as they relate to the nature of construction impacts (traffic, noise, air quality), but the level of impacts for all relevant resource areas would be less.

Although the renovation and conversion of the H-Unit would reduce impacts of the project compared

³ Staffing shown in the Draft EIR; not corrected per discussion herein.

⁴ Includes adjustments to reflect corrected staffing totals.

with what was evaluated in the Draft EIR, it would not change any of the EIR significance conclusions. Air quality and noise impacts from project operations were determined to be less than significant, and the reduction in traffic from fewer new employees would not alter that conclusion. Likewise, impacts from new employees on population, employment, and housing were determined to be less than significant and the fewer number of employees would not alter that conclusion. Regarding public services and utilities, only impacts to water supply were found to be significant. The impact would remain significant, although it would have a lesser effect than shown in the Draft EIR. Please see response to comment 9-28 for additional explanation.

Regarding traffic, the impact of the project was determined to be significant. The reduction in additional staffing could reduce overall traffic impacts by 10%. However, the Draft EIR did not calculate potential impacts of adding to the roadway system the additional trips that could result if 57 on-site houses are removed, as would occur under the single-level design option. The recalculated employment totals reduce the number of additional employees associated with the project by 62. If the single-level design option is selected, the reduction in employees (compared with what was calculated in the Draft EIR) would be equivalent to the increased number of employees commuting to the site. Therefore, traffic impacts would remain approximately the same and significant, as reported in the Draft EIR.

In total, this change in the project would reduce environmental impacts overall, but would not change the conclusions of the level of significance of any impacts. This change would also not result in the elimination of any mitigation measures.

3.3 WRITTEN AND ORAL COMMENTS AND RESPONSES ON THE DRAFT EIR

The written and oral comments received on the Draft EIR and the responses to those comments are provided in this section. Each comment letter and the public hearing transcript is reproduced in its entirety and is followed by responses to comments raised in each letter and at the public hearing.